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United States Attorney
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United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CIV. NO. 07-0375SOM
)	CR. NO. 03-0127SOM-01
Plaintiff,)	
)	MOTION TO CONTINUE TELEPHONIC
VS.)	HEARING AND TO EXTEND TO TIME
)	WITHIN WHICH THE UNITED STATES
ERNEST M. ESPARZA,)	MAY RESPOND TO 2255 PETITION
)	
Defendant.)	

**MOTION TO CONTINUE TELEPHONIC HEARING AND TO
EXTEND THE TIME WITHIN WHICH THE UNITED STATES
MAY RESPOND TO ESPARZA'S 2255 PETITION**

At the present time, this Court has established a hearing for defendant to appear telephonically on November 13, 2007 with respect to his 2255 petition. The United States' response filing deadline currently is October 31, 2007.

The United States requests a continuance in both the response filing deadline and hearing date for the following reasons:

(1) Undersigned government counsel has continuously since summer 2007 been involved in two separate, long term drug

trafficking investigations, one involving large-scale marijuana cultivation on the Island of Kauai and the other involving three court-order wiretaps of suspected methamphetamine traffickers on Kauai and in the Sacramento, CA, area. This has resulted in Federal indictments recently being returned in four separate criminal cases (the last one being on October 17, 2007), with a total of 23 defendants being charged.¹ I remain government counsel of record in all of these cases.

(2) In addition, I have an appellate brief due in the Ninth Circuit case of USA v. Pajardo on November 2, 2007.

(3) I believe that I could respond to defendant's 2255 petition by November 23, 2007 and the hearing thereon scheduled sometime thereafter.

For the foregoing reasons, I believe that there is good cause to grant the instant motion.

DATED: Honolulu, Hawaii, October 19, 2007.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By /s/ Michael K. Kawahara
MICHAEL K. KAWAHARA

¹ These criminal cases are:

- USA v. Holland et. al., Cr. No. 07-0453 (5 defendants)
- USA v. Cachola et. al., Cr. No. 07-0516 (9 defendants)
- USA v. Leones el. al., Cr. No. 07-0517 (6 defendants)
- USA v. Chrzanowski el. al., Cr. No. 07-0518 (3 defendants).

Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the attached was served via first class U.S. Mail, postage prepaid, on the following:

ERNEST M. ESPARZA
#90291-022; SS3 Unit
Federal Correctional Institution
1900 Simler Avenue
Big Spring, TX 79720

Defendant Pro Se

DATED: Honolulu, Hawaii, October 19, 2007.

/s/ Rowena Kang